Remarks/Arguments

In a Final Office Action dated December 12, 2006, claims 1-36 were rejected under § 103 over Considine in view of Pham. Applicants respectfully traverse the rejections and submit that the claims are allowable.

Section 103 Rejections

The Final Office Action admitted that Considine did not show an embedded processor or a frame classifier. For those elements reference was made to selected elements in Pham. Applicants respectfully traverse the showing of the frame classifier in Pham and the proposed combination of Considine and Pham.

Applicants traverse the rejection based on Pham. The Office Action first errs in correspondence of the port processors, citing elements 40 and 50. Element 40 is the switch fabric, not a port processor. Element 50 is the entire protocol processor itself including a switch fabric 56, ingress processors 52, egress processors 54, data processors 58 and control processors 60. Element 50 is not properly corresponded to a port processor of claim 19.

The Advisory Action defined the ingress processors 52 and the egress processors 54 as the node defined in the claim. The Final Office Action corresponds data processors 42 and 44 to be the required embedded processors, and the Advisory Action restates this correspondence. This correspondence then verifies, as Applicants previously argued, that the entire device in Pham has been equated to be a single port processor, which is directly opposed to the teachings of Pham. Further, one skilled in the art would never combine Pham and Considine as would effectively be required by the Office Action. The actual designs of Considine and Pham are highly equivalent so that they are replacements at the higher level, not combinable where Pham would be treated as a port processor in Considine. Applicants submit that the entire combination of Pham and Considine as would be required would not be made by one skilled in the art. Applicants note that this argument of improper combination was not addressed in Advisory Action.

The Office Action corresponds the frame classifier to be the ingress processors 30 and 34 of Pham. This correspondence highlights the error of the embedded processor correspondence of the data processors 42, 44. The claim language for the frame classifier

is – "a frame classifier to determine if said network traffic should be provided directly to said embedded processor without passing through said switch or directly to said switch." Referring to Pham, the only way to provide network traffic from the ingress processor to the data processor is through the switch fabric 40. Yet the claim language clearly indicates that providing the network traffic to the embedded processor or the switch are alternatives, not the same operation as would be required in Pham. Therefore the correspondence of the various elements of Pham to claim 19 is shown to be further in error.

The Advisory Action addressed this argument by stating that the claim did not specifically require providing data to the embedded processor without passing through the switch. Applicants have added such language to the claims and thus again submit the correspondence of Pham elements is improper.

In view of the numerous errors and improper items being corresponded, Applicants submit that the rejection is improper and must be withdrawn.

Claims 21-24 require second, and in some cases third, embedded processors included in each port processor. The Office Action reference to other data processors in Pham is improper for the same reasons as above and as exemplified by the requirement in the claims that the frame classifier determine if the network traffic should be provided directly to the second embedded processor, in addition to the first embedded processor, or directly to the switch. As the additional data processors in Pham are also across the switch from the ingress processors, the error above is only exacerbated so that the improper nature of the rejection becomes apparent.

Equivalent arguments apply to the relevant claims in claims 1-18 and 28-36. As such, Applicants submit that the claims were, and are, allowable over Considine and Pham.

Conclusion:

Reconsideration of the pending claims in light of the above remarks is respectfully requested. Allowance of all of the claims is submitted as being proper.

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